

# **BOARD OF ZONING ADJUSTMENT**

## **Applicant's Statement of Patricia Probst and Jourdan Miller** **515 Oglethorpe St. NW (Square 3202, Lot 218)**

### **I. INTRODUCTION AND NATURE OF SOUGHT SPECIAL EXCEPTION.**

This Statement is submitted by Patricia Probst and Jourdan Miller (collectively referred to as the "Applicant"), owners of the property located at 515 Oglethorpe Street, NW (Square 3202, Lot 218) (the "Subject Property"). The Subject Property is a semi-detached row home used as a single-family residence (the "Building") with a rear driveway accessible by a public service alley. The Applicant is proposing a screened-in deck at the rear of the Building (the "Addition"). The Addition will increase the overall lot occupancy that is currently thirty-four percent (34.63%). Accordingly, DCRA has requested that the Applicant obtain a special exception in order to override the existing lot occupancy percentage to forty-four percent (44.89%), which is less than the max lot occupancy of fifty percent (50%) and a rear yard to be less than the required 20 ft minimum that a special exception allows in the R-2 Zone.

### **II. BACKGROUND.**

#### **A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located at 515 Oglethorpe Street, NW is located in the R-2 zone within the Brightwood-Manor Park neighborhood of D.C. The Subject Property is a semi-detached lot with 2,678 square feet of land area. Abutting the Subject Property to the West is a single-family row building that is adjacent to the Subject Property's side yard and fence. Abutting the Subject Property to the East is a single-family row building with a shared party wall. Adjacent the Subject Property to the North is a public alley shared with Oneida Place, NW. Adjacent the Subject Property to the South is Oglethorpe Street, NW.

#### **B. Proposed Project.**

The Subject Property is currently a two-story, semi-detached row home. The Applicant is proposing to construct a screened-in deck at the rear of the Building above a sloped driveway. The proposed Addition will increase the lot occupancy, which is currently at thirty-four percent (34.63%) to forty-four percent (44.89%). However, the Applicant must request a special exception in order to obtain a building permit from DCRA for the Addition. R-2 Zone doesn't allow for more than forty percent (40%) of residential lot coverage (304.1), but permits relief up to fifty percent (50%) as a special exception (5201.1(a); 304.1). The rear lot of the Subject Property will be less than the 20 ft minimum required for R-2 yards (5201.1 (b); 306.2) and will be allowed with a special exception as well.

### **III. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION**

#### **A. Overview.**


Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant exception where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific

requirements for relief under Subtitle E § 5201.1(a)(b), 5201.4-6 and Subtitle D § 208.1 of the Zoning Regulations.

**B. General Special Exception Requirements of Subtitle X § 901.2.**

The granting of a variance exception in this case *“will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps”* and *“will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...”*


1. The Addition will not adversely affect the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps. As described more fully below, the Addition will also not adversely affect neighboring properties in regards to impacts on light, air, and privacy.
2. Also according to the Development Standards of the R-2 Zone for attached or semi-detached row homes, the minimum lot area required is 3,000 square feet. The subject lot area is below the minimum standard, as it stands at only 2,678 square feet.

 Zoning Regulations of 2016 Development Standards

Filter by Zone

R-2

Zone (Link to Handbook)	Description	Building Category	Lot Occupancy (%)	Height (ft)	S
<a href="#">R-2</a>	Provide areas predominantly developed w..	Semi-Detached	40	40	3



Zoning Regulations of 2016 Development Standards

Filter by Zone

R-2

Min. Lot Width (ft)	Min. Lot Ar..	Pervious Surface (%)	Rear Yard (ft)	Side Yard (f..	Front Setback (ft)	D
30	3000	30	20	8	No lesser or greater than ..	1

3. Additionally, the physical characteristics of the property make it difficult for the Applicant to use the lot in full. Due to the steep topography of the lot, access to the rear of the Subject Property, driveway, and alley is limited. The basement-garage level of the yard is at the bottom of a steep slope leading down from the alley that is approximately 10 feet below the first floor and is not a usable space other than parking.
4. The proposed Addition will serve to connect the first floor of the residence directly to the rear yard and driveway, which is currently only accessible by steep steel stairs. (Please see photos). The Addition will also make it a more usable space for the Applicant to work from home and entertain.
5. At present, there are similar existing decks of comparable size across the rear of nearly all row houses on the 500-600 block of Oglethorpe St NW and Oneida PI NW, including one immediately next door to the Subject Property (to the left, viewed from the rear alley

in attached photos). The proposed Addition would not adversely affect the use of either neighboring property to the left, right, or rear.

6. Traffic, noise, and lighting will not impose unduly on neighbors, most of whom also have rear deck additions.
7. No visible change to the front of the property is proposed. The Subject Property's street frontage will remain unchanged. The proposed Addition will be visible only from the service alley and only if an observer looks to the rear of the building, over the existing fence. Vehicles will still be able to park in the existing garage and driveway below the proposed Addition.

C. General Special Exception Requirements of Subtitle E § 5201

The regulations permit relief from the lot occupancy requirements (for up to 50% lot occupancy in the R-2 Zone), so long as the Application meets the criteria for relief under Subtitle E § 5201.1(a) Lot occupancy; (b) yard:

The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9...(Subtitle E § 5201.1)

By satisfying the requirements of E-5201.1(a)(b), and E-5201.4 through E-5201.6, the application also meets the general special exception requirements of Subtitle X § 901.2 (as listed above).

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

*a. The light and air available to neighboring properties shall not be unduly affected;*

As described more fully below, the addition will not impact the light and air or privacy of the neighboring properties. The proposed Addition will also not adversely affect the use of neighboring properties as residential because the Applicant is not proposing a change from the existing use as a single-family dwelling.

-513 Oglethorpe St NW has an existing structure (deck) on the rear of property abutting the property line of the Subject Property.

-517 Oglethorpe St NW is separated from the proposed screened deck by an open side yard, each yard being 10" wide with a privacy fence separating them. Both 517 and the Subject Property yards total 20" in width.

-518 Oneida PI NW is separated from the proposed Addition by a 10" alley. The rear of his property to the north of the Subject Property has an existing free-standing structure (garage) with a roof deck.

-520 Oneida PI NW is separated from the proposed Addition by a 10" alley. The rear of this property to the north of the Subject Property has an existing free-standing structure (garage).

*b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.*

Neighbors abutting the east and west of the Subject Property are 513 & 517 Oglethorpe St NW, which are separated from the proposed Addition by an existing privacy fence along property lines. Further separation will be provided on the Addition by the installation of privacy shades which will not unduly compromise the privacy and use and the enjoyment of the neighbors on their abutting deck. Overall, the proposed addition will not unduly compromise the privacy of use and enjoyment of the neighbors abutting the Subject Property.

Neighbors across the alley from the Subject Property to the rear are 518 and 520 Oneida PI NW, which are separated from the proposed Addition by a 10' alley and the rear yards of properties along Oglethorpe St NW. In addition to the alley and rear yards, further separation is provided by the existing privacy fences on both sides of the alley. Overall, the proposed addition will not unduly compromise the privacy of use and enjoyment of the neighbors across the alley to the north.

*c. The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;*

The Addition will be pressure treated wood framed and composite planks. There are a number of existing one-story rear decks directly to the west and east of the Subject Property. Additionally, one-story decks and enclosed porches exist on the rear of the properties across the alley and across the street from the Subject Property. Because of the presence of other nearby additions and decks, the proposed Addition will be in harmony with the intent of the Regulations.

*d. In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the Applicant shall use graphical representations such as plan, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

Architectural plans and photographs have been submitted with the application.

D. General Special Exception Requirements of Subtitle D § 208.1

Pursuant to Subtitle D § 208.1(d)(1) of the Zoning regulations, at the time of this application, shall not be designed or constructed such that it will significantly interfere with the operation of a solar energy system on an abutting property. At this time the abutting properties of the Applicant do not have a solar energy system on the property.

A signed affidavit by the Applicant stating that there are no solar energy systems on abutting properties have been submitted with the application. Therefore, the proposed Addition will not adversely affect the non-existent systems at 513 Oglethorpe St NW or 517 Oglethorpe St NW.

**IV. CONCLUSION.**

For the reasons stated above, the Applicant respectfully requests that the Board grant the requested Special Exception in order to build the Addition on the Subject Property.

Respectfully submitted,  
Patricia Probst and Jourdan Miller  
Homeowners of 515 Oglethorpe St NW